



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAWN R. GALLAGHER
COMMISSIONER

January 28, 2004

William Lippincott
30 Wilbur Drive
Hampden, Maine 04444

RE: Request for Public Hearing - West Old Town Landfill Amendment
Application for Vertical Increase; DEP #S-020700-WD-N-A

Dear Mr. Lippincott:

I write in response to your request for an adjudicatory hearing on the West Old Town Landfill amendment application. The standards in Department of Environmental Protection rules limit the application review to environmental issues, while the comments made at last Wednesday's public forum included broader issues, such as the contractor selection process and public involvement. Although your request for an adjudicatory hearing did not meet the DEP criteria for a hearing, I believe the broader issues raised warrant a second public forum. Accordingly, DEP, along with the State Planning Office, Department of Transportation, city leaders, and involved companies, will hold an additional public meeting in the next few weeks. We will provide details of this session shortly.

The Old Town facility is a licensed landfill and DEP's review in this case is limited to the amendment request. DEP's Chapter 2, Rules Concerning the Processing of Applications and Other Administrative Matters, requires public hearings when the Department determines there is "credible conflicting technical information regarding a licensing criterion and it is likely that a public hearing will assist the decision maker in understanding the evidence". Your December 11, 2003 request does not present conflicting technical information.

I encourage you to provide any comments on this application that you have related to the licensing criteria of the Solid Waste Management Regulations to Cyndi Darling, the Department's project manager for this project, as soon as possible.

Sincerely,

Dawn R. Gallagher
Commissioner